

**William P. Ferranti**, OSB #160069  
wpf@ferrantiappeals.com  
**THE FERRANTI FIRM LLC**  
1819 SW 5th Ave. #403  
Portland, Oregon 97201  
Tel: (503) 877-9220

**Vincent C. Ewing**, admitted *pro hac vice*  
vcewing@me.com  
**LAW OFFICE OF VINCENT C. EWING**  
111 West Ocean Blvd., Suite 400, PMB 444  
Long Beach, CA 90802  
Tel: 626-818-5245

*Attorneys for Defendant Boris Berian*

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

NIKE USA, INC., an Oregon corporation,

Plaintiff,

v.

BORIS BERIAN, an individual California  
resident,

Defendant.

Case No. 3:16-cv-00743-SB

**DECLARATION OF NICHOLAS  
SYMMONDS**

**In Support Of Defendant Boris Berian's  
Opposition To Nike's Motion For  
Expedited Preliminary Injunction  
Hearing and Related Discovery**

I, Nicholas Symmonds, hereby declare as follows:

1. I am a track athlete who specializes in middle distance races. I submit this declaration in support of Defendant Boris Berian's Opposition To Nike's Motion For Expedited Preliminary Injunction Hearing and Related Discovery. The information herein is based on my personal knowledge, and, if called and sworn as a witness, I could and would testify competently thereto.

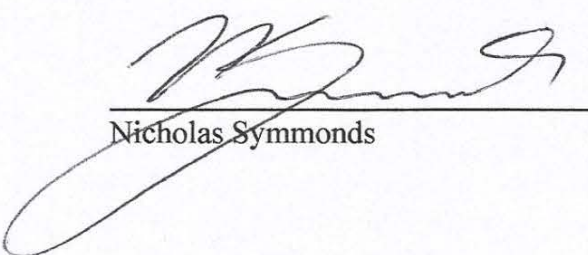
2. I signed with Brooks Running in January 2014 after a 7-year sponsorship with Nike.

3. In my experience, reduction clauses—provisions in sponsorship agreements that reduce the athlete's compensation if he or she fails to perform as expected—are not standard in the industry.

4. In fact, one of the main reasons I left Nike for Brooks was that Nike demanded reductions and Brooks did not.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 07, 2016.



Nicholas Symmonds